



**MAINE SUPREME JUDICIAL COURT  
SITTING AS THE LAW COURT**

**PUBLIC NOTICE**

**Supreme Judicial Court invites amicus briefs on  
the appropriate disposition of duplicative counts  
to avoid a Double Jeopardy violation where  
the State charges, and the defendant is convicted of,  
multiple crimes as a result of a single criminal act**

The Maine Supreme Judicial Court, sitting as the Law Court, invites briefs of amici curiae on an issue presented in a motion to reconsider the Law Court's decision in *State of Maine v. Mark P. Murphy*, Law Court docket number Ken-14-313, decision number 2015 ME 62. The State charged Murphy with multiple counts for one criminal act. The trial court convicted and sentenced Murphy on all three counts, with the sentences to run concurrently. Murphy appealed.

The Law Court vacated the judgment on double jeopardy grounds and remanded the matter to the trial court "for identification of the single count of which Murphy was convicted, dismissal of the two remaining counts, and entry of a final sentence on the merged charge." The State filed a motion for reconsideration requesting that the directions on remand be to "merge" the two remaining counts into the count on which the trial court decides to

convict and sentence Murphy.

Amici are invited to brief the issues raised by the State's motion, including (1) whether there is any difference, from a legal, practical, or administrative standpoint, between a conviction on multiple "merged" counts and a conviction on one count with the duplicative counts dismissed, and (2) whether duplicative counts must be dismissed or merged.

Electronic copies of the decision, the parties' briefs, and the State's motion for reconsideration are available on the Court's website at [www.courts.maine.gov/maine\\_courts/supreme/amicus\\_invites/murphy.html](http://www.courts.maine.gov/maine_courts/supreme/amicus_invites/murphy.html).

An amicus brief may be filed by or on behalf of any individual, entity, or group of individuals and/or entities without separate leave of the Court. Any amicus brief must be filed on or before **August 7, 2015**. An amicus brief must be filed at the address listed below, and must comply with M.R. App. P. 7(c), 9(e)(1), and 9(f). In addition to filing and serving the required number of copies, any amicus must send a copy of the brief electronically, as a single text-based .pdf file, to [lawcourt.clerk@courts.maine.gov](mailto:lawcourt.clerk@courts.maine.gov).

Dated: July 8, 2015

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